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Brian S. King, #4610
Brent J. Newton, #6950
Nediha Hadzikadunic #15851
BRIAN S. KING PC
336 South 300 East, Suite 200
Salt Lake City, UT 84111
Telephone: (801) 532-1739
Facsimile: (801) 532-1936
brian@briansking.com
brent@briansking.com
nediha@briansking.com

Attorneys for Plaintiffs

THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

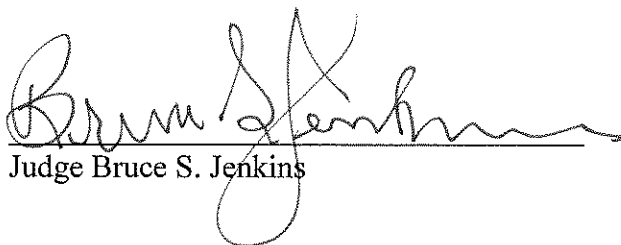
<p>ADAM B., and A.B.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>ANTHEM BLUECROSS and BLUESHIELD, BANK of AMERICA CORPORATION CORPORATE BENEFITS COMMITTEE, and the BANK of AMERICA GROUP BENEFITS PROGRAM,</p> <p>Defendants.</p>	<p>ORDER REGARDING JULY 29, 2019 ORAL ARGUMENT</p> <p>Civil No. 2:19-cv-00087 BSJ</p> <p>Judge Bruce S. Jenkins</p>
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The Defendants' Partial Motion to Dismiss Counts II and III in the Amended Complaint (the "Partial Motion to Dismiss") came before court for Oral Argument on July 29, 2019. Plaintiffs were represented by Brian S. King. Defendant Blue Cross Blue Shield Healthcare Plan of Georgia, Inc., doing business as Anthem Blue Cross and Blue Shield ("Anthem") was represented by Jessica Wilde. The Bank of America defendants were represented by Scott Petersen and Mark Schmidtke.

Having reviewed the briefing in this matter and having heard the parties' oral arguments, the Court denies Defendants' Partial Motion to Dismiss without prejudice. The Court orders Anthem to provide, by August 9, copies of the medical necessity criteria for skilled nursing facilities and inpatient rehabilitation facilities. If the plaintiffs wish, they may file a second amended complaint no later than August 23, 2019.

The Court also directs Anthem to provide information to plaintiffs about whether it forwarded the letters that plaintiffs rely on in paragraph 64 of the Amended Complaint to the Bank of America Corporate Benefits Committee and, if so, for Bank of America Corporate Benefits Committee to provide information of how it responded. Such information may be given by way of affidavit or declaration.

Dated this 9th day of August, 2019.


Judge Bruce S. Jenkins

/s/ Jessica Wilde
Jessica Wilde
Attorney for Anthem

/s/ Mark Schmidtke
Mark Schmidtke
Attorney for Bank of America Defendants

Approved as to form